

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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LEMON BAY PARTNERS, and	:	
MALCOLM ROSENWALD,	:	
	:	
Plaintiff,	:	
	:	
--against--	:	
BRUCE L. HAMMONDS, KENNETH A.	:	Civ. No. 07-CV-562
VECCHIONE, RICHARD K. STRUTHERS,	:	
JOHN R. COCHRAN, III, LANCE L.	:	
WEAVER, CHARLES C. KRULAK,	:	
MICHAEL G. RHODES, JOHN W.	:	
SCHEFLEN, RANDOLPH D. LERNER,	:	
JAMES H. BERICK, MARY M. BOIES,	:	
BENJAMIN R. CIVILETTI, WILLIAM L.	:	
JEWS, STUART L. MARKOWITZ,	:	
WILLIAM B. MILSTEAD, THOMAS G.	:	
MURDOUGH, LAURA S. UNGER, and	:	
KENNETH D. LEWIS	:	
	:	
Defendants,	:	
	:	
--and--	:	
BANK OF AMERICA CORPORATION, AS	:	
SUCCESSOR IN INTEREST TO MBNA	:	
CORP., and MBNA CORP.,	:	
	:	
Nominal Defendants.	:	
	:	

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**STIPULATION AND ORDER**

**IT IS HEREBY STIPULATED AND AGREED**, by and between  
undersigned counsel for the parties herein, subject to the Order of this Court, as follows:

1. Plaintiffs Lemon Bay Partners and Malcolm Rosenwald will file a motion for appointment as Lead Plaintiffs and for approval of selection of Lead Counsel by no later than December 10, 2007.

2. Lead Plaintiffs will serve a consolidated amended complaint no later than sixty days after the Court's decision on the motion for appointment of Lead Plaintiffs and approval of Lead Counsel.

3. Defendants will answer, move to dismiss or otherwise respond to the consolidated amended complaint no later than sixty days after the amended complaint is filed.

4. In the event that a motion to dismiss is filed, Lead Plaintiffs will have sixty days to file its answering brief and the moving Defendant or Defendants will have forty-five days thereafter to submit a reply brief.

5. This Stipulation shall not be construed as an agreement by Defendants that this Court possesses subject-matter and personal jurisdiction over the claims asserted in this action or as a waiver of Defendants' right to contest jurisdiction.

November 29, 2007

*/s/ Richard H. Morse*

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*Attorneys for the MBNA  
Outside Directors*

SO ORDERED, this \_\_\_\_ day of \_\_\_\_, 2007

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Chief, United States District Judge

**CERTIFICATE OF SERVICE**

I, Richard H. Morse, hereby certify that on November 29, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on November 29, 2007, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel of record.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Richard H. Morse

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